

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA,
PLAINTIFF,**

v.

**EDWIN FONSECA BERMUDEZ,
DEFENDANT,**

CRIM. NO. 99-254 (DRD)

**URGENT MOTION FOR ORDER ADDRESSED
TO THE BUREAU OF PRISONS (BOP) REGARDING
COMPUTATION OF SENTENCE**

TO THE HONORABLE COURT:

COMES NOW defendant Fonseca Bermudez through the undersigned attorney and respectfully requests the Court to order the Bureau of Prisons (BOP) to compute his sentence in the case of caption in accordance with the terms imposed by this Court in 2001. In support thereof he states and prays:

1. This Court sentenced defendant to a term of imprisonment that was to be served concurrently with a state court sentence for second degree murder that he was serving at the time of his arrest for the instant federal offense on September 24, 1999. The facts which led to the aforementioned state conviction are part of the same set of operative facts which were pled by the Government in the instant offense involving a conspiracy to distribute controlled substances. In fact, said facts were charged as an overt act in defendant's Indictment for the instant offense.
2. Notwithstanding the Court's clear and unambiguous intention at sentencing, as is evidenced by subsequent rulings to that effect, the BOP -to this date- has refused to compute defendant's sentence in accordance therewith. It appears that as per said agency's computation, defendant is being credited -for purposes of time accrued towards his federal sentence- with the time which he has served

subsequently to the imposition of sentence by this Court in the year 2001. In other words, defendant is not being credited with the time he served at MDC subsequent to his September 1999 arrest for the instant offense. Thus, defendant is not being credited with a period of confinement of approximately two (2) years.

WHEREFORE, defendant Fonseca moves the Court to take notice of the foregoing and upon its review of the relevant record, particularly its Judgment, order the BOP in accordance therewith.

RESPECTFULLY SUBMITTED.

CERTIFICATE OF SERVICE: I hereby certify that on this date, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to all attorneys of record.

In San Juan, PR, this, 9th day of February, 2006.

s/ Enrique Vélez-Rodríguez

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